

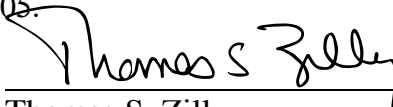
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CURTIS NEAL WELLS,) CASE NO. C05-0988-TSZ-MAT
Petitioner,)
v.) ORDER DENYING § 2254 PETITION
ROB MCKENNA,)
Respondent.)

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's answer, the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for a writ of habeas corpus (Dkt. #1) is DENIED without prejudice.
- (3) The Clerk is directed to send a copy of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 20th day of October, 2005.


Thomas S. Zilly
United States District Judge